IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.4.2007

CORAM

THE HON'BLE MR. JUSTICE N.PAUL VASANTHAKUMAR

W.P.No.13470 of 2007

Avinashi Gounder Mariammal Trust,
Rep. by its Secretary,
Dr.A.Sengottaiah
Gandhiji Street, Karur Bye Pass Road,
Kollampalayam, Erode & District-638 002. .. Petitioner

vs

1.The Secretary to Government,
School Education Department,
Government Of Tamil Nadu,
Fort St.George,
Chennai-600 009.

2.The Director of Teacher Education,
Research & Training,
D.P.I.Campus, Nungambakkam,
Chennai-600 006.

3.The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
First Floor, C.S.D.Complex,
H.M.T.Township,
Bangalore-31. .. Respondents

This petition is filed for the issuance of a writ of mandamus directing the third respondent to complete the process of the petitioner's application dated 25.10.2006 including causing of inspection for grant of recognition without insisting no objection certificate from the State Government and pass orders, granting recognition for conducting D.T.Ed., Course at the petitioner's institute namely Mariammal Teacher Training Institute for Women at Kollampalayam, Erode & District - 638 002 from the academic year 2007-2008.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

For Petitioner ... Mr.R.Suresh Kumar
For R3 ... Mr.S.Udayakumar
For R1 and R2 ... Mr.A.Arumugam
Additional Government Pleader

ORDER

The prayer in the writ petition is to issue a writ of mandamus directing the third respondent to complete the process of the petitioner's application dated 25.10.2006 including causing of inspection for grant of recognition without insisting no objection certificate from the State Government and pass orders, granting recognition for conducting D.T.Ed., Course at the petitioner's institute namely Mariammal Teacher Training Institute for Women at Kollampalayam, Erode & District - 638 002 from the academic year 2007-2008.

2.The petitioner already having B.Ed., College and applied for recognition to conduct Diploma in Teacher Education Course for Women in the same locality and an application for recognition was also submitted to the third respondent on 25.10.2006 in the prescribed format for the academic year 2007-2008. The said application is not processed, even though, the third respondent herein, issued regulations in 2005 prescribing time limit to process the application, cause inspection and for passing orders in regulation NO.7, which came into force on 13.01.2006. Regulation 7 isued by the NCTE reads as follows;

"7.Processing of applications

(1)Applications which are complete in all respects shall be processed by the office of the Regional Committee concerned within 30 days of receipt of the such applications.

(2)The applications shall be processed as under:-

(i)The particulars of the institutions shall be hosted on the official website of the Regional Committee concerned of the National Council for Teacher Education.

(ii)This will serve as an electronic communication to the applicant and also the State Government/UT Administration concerned for necessary follow up action on their part.

(iii)A written communication in addition shall also follow to the applicant.

(iv)A written communication alongwith a copy of the application form submitted by the institution(s) of the concerned state/U.T. Shall

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

be sent to the State Government/U.T. Administration concerned.

(3)On receipt of the communication, the State Government/UT Administration concerned shall furnish its recommendations on the applications to the office of the Regional Committee concerned of the National Council for Teacher Education within 60 days from receipt. If the recommendation is negative, the State Government/UT Administration shall provide detailed reasons/grounds thereof, which could be taken into consideration by the Rgional Committee concerned while deciding the application. If no communication is received from the State Government/UT Administration within the stipulated 60 days, it shall be presumed that the State Government/UT Administration concerned has no recommendation to make.

(4)Though normally the applicant institutions will ensure submission of applications complete in all respects, in order to conver the inadvertent omission of deficiencies in documents, the office of the Regional Committee shall point out the diffencies within 30 days of receipt of the applications, which the applicants shall remove within 90 days. The date of receipt of the application after completion of deficiencies shall be treated as the date of receipt of the application complete in all respects within the meaning of Regulation 7(1).

(5)Ordinarily, the inspection of infrastructure, equipment, instructional facilities etc. of an institution shall be conducted within 30 days of completion of processing of its application by the office of the Regional Committee with a view to assessing the level of preparedness of the institution to commence the course. Such inspection shall be in the chronological order of the date of receipt of the completed application in the office of the Regional Committee concerned. Among the applications received on the same day, alphabetical order shall be followed.

(6)All the applicant institutions are expected to launch their own website simultaneously with the submission of their applications covering, inter alia, the details of the institution, its location, name of the course applied for with intake, availability of physical

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

infrastructure (land, building, office, classrooms, and other facilities/amenities), instructional facilities (laboratory, library etc.) and the particulars of their proposed teaching and non-teaching staff etc. with photographs for information of all concerned.

(7)At the time of visit of the team of experts to an institution, the institution concerned shall arrange for the inspection to be videographed in a manner that all important facilities are videographed along with interaction with the management and the staff (if available). The visiting teams shall finalize and courier their reports alongwith the video tapes on the same day.

(8)The application and the report alongwith the video tapes of the Visiting Team shall be placed before the Regional Committee concerned for consideration of grant of recognition or permission to an institution in its next meeting.

(8)The application and the report alongwith the video tapes of the Visiting Team shall be palced before the Regional Committee concerned for consideration of grant of recognition or permission to an institution in its next meeting.

(9)The Regional Committee shall decide grant of recognition or permission to an institution only after satisfying itself that the institution fulfills all the conditions prescribed by the NCTE under the NCTE Act, Rules or Regulations, including, inter alia, the norms and standards laid down for the relevant teacher education programme/course.

(10)In the matter of grant of recognition; the Regional Committees shall strictly act within the ambit of the National Council for Teacher Education Act, 1993, the National Council for Teacher Education Rules, 1997 as amended from time to time and the regulations including the norms and standards for various teacher education programmes and shall not make any relaxation thereto. The Regional Directors shall be responsible for ensuring that the decisions of the Regional Committees for ensuring that the decisions of the Regional Committees are not in contravention of the NCTE Act, NCTE Rules and regulations including the norms and standards.

(11)The institution concerned shall be informed of the decision for grant of recognition or permission subject to appointment of qualified

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

faculty members before the commencement of the academic session.

(12)The institution concerned, after appointing the requisite faculty/staff, shall put the information on its official website and also formally inform the Regional Committee concerned. The Regional Committee concerned shall then issue a formal unconditional recognition order.

(13)In cases where the Regional Committee, after consideration of the report of the Visiting Team, is of the opinion that the institution does not fulfill the requirements for starting/conducting the course, such an institute will be allowed one more opportunity for inspection after removal of the deficiencies. For, such inspection the institution concerned shall again deposit a fee of Rs.40,000 to the Regional Committee concerned through a demand draft from any Nationallized bank drawn in the favour of the Member Secretary, NCTE payable at the city where the Regional Committee is located. However, no such fee is required if the deficiencies pointed out are minor in nature not involving civil construction or the like and the rectifications are verifiable without physical inspection.

(14)The reports of inspection of the institutions along with the names of the Visiting Team Experts shall be made available on the official website of the Regional Committee concerned after the same have been considered by the Regional Committee."

3.The grievance of the petitioner is that in spite of the expiry of the time as fixed in the regulation, the application is not processed and no inspection is caused.

4.The learned counsel for the petitioner submits that in a batch of writ petitions in W.P.Nos.47503 of 2006 etc., dated 03.04.2007, the recognised institutions challenged the cut of date fixed for admission and also for getting staff approval fixed by the Government. This Court upheld the validity of the Government Order issued in G.O.(2D) NO.59, School Education Department, dated 14.11.2006, prescribing 30.11.2006 as the last date for admission of students for the academic year 2006-2007 and the last date for approval of Faculty members has been extended from 20.11.2006 to 09.03.2007 as a special case for academic year 2006-2007. While disposing of the said writ petitions, this Court also directed the State Government to issue a compendium of guidelines, prescribing the calendar of activities for the Teacher Training Institutes,

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

indicating (i) the date of commencement of the Course, (ii) the cut off date for approval of staff members, (iii) the cut off date for admission of students, (iv) the cut off date for holding Single Window Counselling, for sponsoring candidates under the Government Quota, (v) the method of recruitment of Teaching Faculty administrative and technical support staff, (vi) the calendar of activities for the academic year including the days of instruction and days of internship, (vii) the schools in which the internship could be undergone, (viii)the Schedule for the Examination as well as the Commission Work and Observation work and (ix) such other matter as required for streamlining the system of Teacher Education in the State. This Court also directed the Government of Tamil Nadu to pass orders by suggesting that the institutions should get orders of recognition upto a particular date i.e., 31st July or 31st August of a year. In view of the prescribed time limit for each stage of the Teacher Education Course, the NCTE is also bound to follow the time limit fixed in regulation No.7.

5.The learned counsel for the petitioner submits that the if the time limit as prescribed is not followed and the recognition is not granted in time, the institution would be put to serious prejudice as they will not be in a position to get the faculty list approved and they will not be able to complete the admission process within the stipulated time. In view of the said submissions made by the learned counsel for the petitioner and having regard to the statutory regulations prescribed by the NCTE as stated supra and having regard to the fact that the State Government has prescribed the last date for admission of students as well as the approval of the faculty members and in the light of the order passed by this Court in the above referred batch of writ petitions in W.P.No.47503 of 2006 etc., dated 03.04.2007, the third respondent is directed to process the application of the petitioner dated 25.10.2006 and consider the grant of recognition by causing inspection and pass orders on merits and in accordance with law within eight weeks from the date of receipt of a copy of this Order.

6.The writ petition is ordered with the above direction. No costs. Consequently, connected M.P.No.1 of 2007 is closed.

Sd/-
Asst. Registrar.

WEB COPY

/true copy/

Sub Asst. Registrar.

https://hcservices.ecourts.gov.in/hcservices/

To
1.The Secretary to Government,
School Education Department,
Government Of Tamil Nadu,
Fort St.George,
Chennai-600 009.

2.The Director of Teacher Education,
Research & Training,
D.P.I.Campus, Nungambakkam,
Chennai-600 006.

3.The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
First Floor, C.S.D.Complex,
H.M.T.Township,
Bangalore-31.

+1 CC to MR. R. SURESH KUMAR, Advocate SR No. 28429

+1 CC to THE GOVT. PLEADER SR No. 29297

+1 CC to MR. S. UDAYAKUMAR, Advocate SR No. 29167

SSV (CO)
JV / 11.05.2007

W.P.No.13470 of 2007

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/